

Message Text

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ORIGIN IO-10

INFO OCT-01 ISO-00 AF-06 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

OFA-01 OES-03 INT-05 COME-00 TRSE-00 /072 R

DRAFTED BY IO/UNP:JFTEFFT:EK

APPROVED BY IO/UNP:JABAKER

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: PFOR, UN, SF, WA

SUBJECT: IMPORTATION OF NAMIBIAN FUR SEALS SKINS

REF: USUN 4439

1. ADMINISTRATIVE LAW JUDGE MAST IS CURRENTLY CONDUCTING HEARINGS ON REQUEST TO HAVE THE COMMERCE DEPARTMENT GRANT A WAIVER UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972 TO ALLOW FOUKE CO. OF SOUTH CAROLINA TO IMPORT 70,000 FUR SEAL SKINS ANNUALLY FROM SOUTH AFRICA FOR PROCESSING. HEARING IS MOST RECENT STEP IN TWO YEAR EFFORT BY FOUKE CO. TO REINSTITUTE IMPORTATION OF FUR SEAL SKINS TAKEN OFF COAST OF NAMIBIA AND SOUTH AFRICA.

2. ON SEPTEMBER 22, AF DEPUTY ASSISTANT SECRETARY CHARLES JAMES TESTIFIED AT HEARINGS AND MADE CLEAR THAT IN VIEW OF STATE DEPARTMENT THE GRANTING OF WAIVER TO IMPORT FUR SEAL SKINS WOULD BE CONTRARY TO OUR INTERNATIONAL LEGAL

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OBLIGATIONS.

3. JAMES TESTIMONY FOLLOWED SUBMISSION OF LETTER TO JUDGE
MAST FROM AF ASSISTANT SECRETARY DAVIS REITERATING STATE
DEPARTMENT POSITION ON INTERNATIONAL LEGAL ISSUES IN THE

CASE. DAVIS' LETTER ALSO ENCLOSED: A) A LETTER FROM
DEPUTY SECRETARY INGERSOLL TO THEN COMMERCE SECRETARY
DENT DATED AUGUST 2, 1974, EXPRESSING THE STATE DEPARTMENT
VIEW THAT SENDING COMMERCE DEPARTMENT TEAM TO NAMIBIA TO
STUDY HARVEST OF FUR SEALS WOULD NOT BE CONSISTENT WITH
OUR INTERNATIONAL LEGAL OBLIGATIONS; AND B) A LETTER FROM
ACTING OES ASSISTANT SECRETARY THOMAS CLINGAN TO COMMERCE
DEPARTMENT DATED AUGUST 27, 1975, REITERATING STATE
DEPARTMENT POSITION (COPIES OF ALL LETTERS POUCHED TO
USUN - JAY KATZEN).

4. JUDGE MAST HAS ACCEPTED THE LETTERS FOR INTRODUCTION
INTO THE RECORD OF THE HEARING. FYI: AN ATTORNEY FOR
ONE OF PARTIES HAS TOLD US HE IS CERTAIN THAT JUDGE WILL
NOT TAKE LETTERS INTO CONSIDERATION IN RENDERING HIS
DECISION ON THE WAIVER. END FYI. A DECISION IS EXPECTED
BY THE END OF OCTOBER. INGERSOLL

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